

Kristen E. Burgers (VSB No. 67997)  
Stephen E. Leach (VSB No. 20601)  
LEACH TRAVELL PC  
8270 Greensboro Drive, Suite 700  
Tysons Corner, Virginia 22102  
Telephone: (703) 584-8364  
Email: kbürgers@ltblaw.com  
Email: sleach@ltblaw.com

*Counsel to Sierra Club, West Virginia Highlands Conservancy  
and Ohio Valley Environmental Coalition*

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

In re:	)	Chapter 11
	)	
ALPHA NATURAL RESOURCES, INC.,	)	Case No. 15-33896 (KRH)
<i>et al.</i> ,	)	
	)	(Jointly Administered)
Debtors.	)	

**OBJECTION OF SIERRA CLUB, WEST VIRGINIA HIGHLANDS CONSERVANCY  
AND OHIO VALLEY ENVIRONMENTAL COALITION TO DEBTORS' MOTION FOR  
ENTRY OF AN ORDER EXPEDITING CONSIDERATION OF, AND SHORTENING  
THE NOTICE PERIOD APPLICABLE TO, THE SETTLEMENT MOTION**

Sierra Club, West Virginia Highlands Conservancy and Ohio Valley Environmental Coalition, parties-in-interest herein (together, the "Environmental Parties"), by counsel, file their objection (the "Objection") to the Debtors' Motion for Entry of an Order Expediting Consideration of, and Shortening the Notice Period Applicable to, the Settlement Motion (the "Motion to Expedite") [Docket No. 1050], filed in connection with the Debtors' Motion, Pursuant to Bankruptcy Rule 9019, for Entry of Stipulation and Order Concerning Reclamation Bonding of their Surface Coal Mining Operations in West Virginia (the "Settlement Motion") [Docket No. 1049] and, in support thereof, respectfully state as follows:

1. The Debtors seek to have the Settlement Motion heard on an expedited basis, on the grounds that (a) the proposed Settlement Agreement, dated December 7, 2015, requires the

Debtors to obtain Court approval within thirty days, (b) the next omnibus hearing date for these Bankruptcy Cases is scheduled for January 21, 2016, and (c) the 90 day period (the “Response Period”) in which they had to respond to the WVDEP’s September 1, 2015, bonding substitution demand has expired.

2. None of the above-listed reasons justify expedited treatment of the Settlement Motion. First, the Response Period already expired on November 29, 2015, one week before the proposed Settlement Agreement was executed. The parties have been aware of the Debtors’ inability to satisfy WVDEP’s self-bonding requirements for months. Second, the parties’ deadline to obtain Court approval within 30 days is self-imposed. Given the Court’s calendar and the omnibus hearing dates, it was unrealistic for the Debtors and WVDEP to set a 30 day deadline for Court approval.

3. Finally, and most importantly, expedited treatment is not appropriate for the Settlement Motion. The Settlement Motion raises complex issues of law and fact. The issue of self-bonding implicates overlapping (but not identical) federal and state regulatory schemes, all of which must be considered within the context of the Bankruptcy Code. Whether or not the proposed settlement with WVDEP is reasonable also involves factual questions of the Debtors’ financial capability to post bonds and perform reclamation activities and the status of the Debtors’ mining activities in West Virginia. The proposed expedited schedule simply does not allow the Environmental Parties adequate time to investigate the facts and prepare a comprehensive objection to the Settlement Motion.<sup>1</sup>

---

<sup>1</sup> As required by the notice of the Motion to Expedite and Settlement Motion, the Environmental Parties intend to file an objection to the Settlement Motion contemporaneously with this Objection. However, the Environmental Parties reserve their rights to supplement or amend the objection to the Settlement Motion.

4. The reasons put forth by the Debtors in the Motion to Expedite simply don't warrant "emergency" treatment. The parties should be given adequate time to brief the issues, and the Court should have adequate time to consider the parties' arguments.

WHEREFORE, for all the foregoing reasons, the Environmental Parties pray for the entry of an order denying the Motion to Expedite.

Dated: December 14, 2015

Respectfully submitted,

/s/ Kristen E. Burgers

Kristen E. Burgers (VSB No. 67997)

Stephen E. Leach (VSB No. 20601)

LEACH TRAVELL PC

8270 Greensboro Drive, Suite 700

Tysons Corner, Virginia 22102

Telephone: (703) 584-8364

Email: [kburgers@ltblaw.com](mailto:kburgers@ltblaw.com)

*Counsel to Sierra Club, West Virginia Highlands  
Conservancy and Ohio Valley Environmental  
Coalition*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2015, I caused a copy of the foregoing Objection of Sierra Club, West Virginia Highlands Conservancy and Ohio Valley Environmental Coalition to the Debtors' Motion for Entry of an Order Expediting Consideration of, and Shortening the Notice Period Applicable to, the Settlement Motion to be served (i) via overnight delivery service on the parties named below and (ii) via the Court's CM/ECF system, e-mail, and/or first class mail, postage prepaid, on all parties identified on the MSL/2002 Service List (as of December 14, 2015) as published on the Kurtzman Carson Consultants LLC website ([www.kccllc.net/alpharestructuring/](http://www.kccllc.net/alpharestructuring/)).

David G. Heiman  
Carl E. Black  
Thomas A. Wilson  
Jones Day  
North Point  
901 Lakeside Avenue  
Cleveland, OH 44114

Tyler P. Brown  
J.R. Smith  
Henry P. (Toby) Long, III  
Justin F. Paget  
Hunton & Williams  
951 East Byrd Street  
Richmond, VA 23219

/s/ Kristen E. Burgers  
Kristen E. Burgers